

May 19 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0054

STATE OF MONTANA,

Plaintiff and Appellee,

v.

GLEN SPOTTED EAGLE SR.,

Defendant and Appellant.

FILED

MAY 19 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Ethan C. Lerman, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until June 4, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. Opposing counsel has been contacted concerning this motion and does not object. In support of this motion, undersigned counsel respectfully submits the following affidavit.

DATED: this 18<sup>th</sup> day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: 

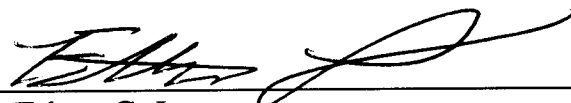
Ethan C. Lerman,  
Assistant Appellate Defender

STATE OF MONTANA                    )  
  : ss.

County of Missoula                    )

I, Ethan C. Lerman, being first duly sworn upon my oath, depose and state as follows:

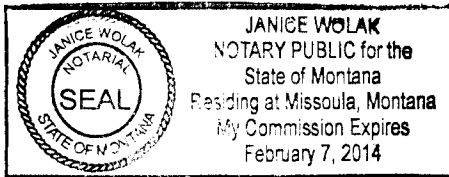
1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.
2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.
3. The Appellant's brief was first due on April 21, 2010. The brief is presently due on May 21, 2010.
4. I would like additional time to review one or more issues with my supervisor.
5. I would also like the additional time to review this brief with my client prior to filing so that he fully understands its contents and the process.
6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.
8. Further your affiant sayeth naught.



Ethan C. Lerman,  
Assistant Appellate Defender

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of

May, 2010.



**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

GINA DAHL  
HILL CO. ATTORNEY  
315 4<sup>TH</sup> ST.  
HAVRE, MT 59501

GLEN SPOTTED EAGLE SR.  
MASC  
2340 Mullan Rd  
Missoula, MT 59808

DATED: May 18, 2020 